

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/4/21

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - : S8 20 Cr. 160 (MKV)

KRISTIAN RHEIN, :

Defendant. :

- - - - - x

WHEREAS, the Coronavirus Aid, Relief, and Economic Securities Act ("CARES Act") findings made by the Judicial Conference of the United States, the February 24, 2021 presidential proclamation, and the March 11, 2021 Standing Order of then-Chief Judge Colleen McMahon of the Southern District of New York allow for guilty pleas to be taken by video or telephone conference, subject to certain findings made by the District Judge; see Southern District of New York Fourth Amended Standing Order, 20 MC 176, March 11, 2021;

WHEREAS, an application was made by the United States of America in advance of a change of plea conference for defendant Kristian Rhein, seeking to proceed with that colloquy by videoconference pursuant to Section 15002 *et seq.* of the CARES Act. See H.R. 748, Section 15002 *et seq.*, P.L. 116-136, signed into law on March 27, 2020 (noting that if "the district judge in a particular case finds for specific reasons that the plea . . . in that case cannot be further delayed without serious harm to the

interests of justice, the plea . . . may be conducted by video teleconference, or by telephone conference if video teleconferencing is not reasonably available");

WHEREAS, in support of that application, the Government submitted on behalf of the parties a July 28, 2021 affirmation and application setting forth facts establishing specific reasons to proceed with the defendant's change of plea proceeding via a video teleconference, and noted that the defendant consents to a remote proceeding;


THE COURT HEREBY FINDS that because the defendant consented to proceeding remotely, and for the reasons set forth in the Government's submission, the proceeding cannot be further delayed without serious harm to the interests of justice;

IT IS HEREBY ORDERED that the Government's application on behalf of the parties to proceed with the defendant's change of plea proceeding via video or teleconference is granted for the reasons stated in the application; and

IT IS FURTHER ORDERED that the Government's July 28, 2021 application shall be maintained under seal pending further order of the Court.

SO ORDERED:

Dated: New York, New York
August 3, 2021



HONORABLE MARY KAY VYSKOCIL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK